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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,561	01/23/2004	Carl Arthur Dzenis	14599	3194
293	7590	06/02/2005	EXAMINER	
Ralph A. Dowell of DOWELL & DOWELL P.C. 2111 Eisenhower Ave. Suite 406 Alexandria, VA 22314			ARK, DARREN W	
			ART UNIT	PAPER NUMBER
			3643	

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/762,561

**Applicant(s)**

DZENIS, CARL ARTHUR

**Examiner**

Darren W. Ark

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 27-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Election/Restrictions*

1. Claims 27-30 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Group and Species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 4/14/2005.

### *Drawings*

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the 36 teeth, 20 being in the top portion of the mouth and 16 being on the bottom (claim 8) and the core being wrapped in aluminum (claims 19, 23) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

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application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

3. Claim 25 is objected to because of the following informalities:

Claim 25, line 2, the term "10.cm" is unclear and should be --10 cm--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 8-19, 26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

In regard to claim 8, the specification and figures do not disclose the mouth having 36 teeth, 20 being on the top portion of the mouth and 16 being on the bottom portion of the mouth.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 8-19, 24, 26, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regard to claim 8, the term "the bottom" renders the claim vague and indefinite since it is unclear whether the bottom is part of the body or the mouth.

In regard to claim 24, the term "the lead portion of the body" lacks positive antecedent basis.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-6, 20-22 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Swanningson 3,898,758.

Swanningson discloses a generally egg shaped body (12) wherein the slopes (see Fig. 2) of the top portion from the center line to the front and back are greater than the slope of the bottom portion from the center line to the front and back; wherein the

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slope of the top portion from the center line to the back is greater than the center line to the front (slopes toward front have more convex curvature) and the slope of the bottom from the center line to the back is greater than the center line to the front (rear one of 28 defines greater slope); the outer surface being faceted (see various indentations 24, 29 in Figs. 5, 6); a mouth (12 in shape of a fish; mouth not particularly claimed); the lead core (12 made of lead) generally rectangular shaped (29 defines parallel sides like a rectangle); a hook (31).

10. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Lucas 5,349,776.

Lucas discloses an egg shaped body (28) wherein the slopes of the top portion (see Figs. 1, 2) from the center line to the front and back are greater than the slope of the bottom portion from the center line to the front and back; the slope from the top portion from the center line to the back is greater than the center line to the front and the slope of the bottom portion from the center line to the back is greater than the center line to the front (both top and bottom slopes toward back are greater since they terminate in a more vertical manner at end of 40); a faceted surface with a facets that are concave (indentations 76).

11. Claims 1, 2, 20, 22 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Webel 4,945,669.

Webel discloses an egg shaped body (18 in Figs. 1, 2) wherein the slopes of the top portion (bottom in Fig. 1; the top and bottom portions are dependent upon the point

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of reference) from the center line to the front and back are greater than the slope of the bottom portion from the center line to the front and back.

In regard to claims 20 and 22, Webel discloses a body (18) with a lead core (see Abstract) therein; a hook (12).

12. Claims 1, 20, 22 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Smith 4,255,890.

Smith discloses a generally egg shaped body (round) wherein the slopes (see Fig. 3) of the top portion from the center line to the front (defined by 30 or 65) and back (defined by 70) are greater than the slope of the bottom portion from the center line to the front and back (horizontal).

In regard to claims 20 and 22, Smith discloses a lead core (36); a hook (70).

13. Claims 1, 2, 20, 22 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Angwin 6,640,487.

Angwin discloses a generally egg shaped body (18') wherein the slopes (see Fig. 3A) of the top portion from the center line to the front and back are greater than the slope of the bottom portion from the center line to the front and back.

14. Claims 20-22 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Luz 4,223,469.

Luz discloses a body (10) with a rectangular lead core (30); a hook (14).

15. Claims 20-22 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Powell 3,393,465.

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Powell discloses a body (11) with a rectangular lead core (13; rectangular in cross section in Fig. 2); a hook (24, 34).

16. Claims 20, 22, 23 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Potter 5,539,989.

Potter discloses a body (6) with a lead core (see ) and the core being wrapped with aluminum (see col. 3, lines 45-50); a hook (12).

17. Claims 20, 23 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Buckle et al. 4,713,917.

Buckle et al. discloses a body (see Fig. 8) with a lead core (2) and the core being wrapped with aluminum (6).

18. Claims 20, 21, 23 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Moses 2,155,169.

Moses discloses a body (see Figs. 1-5) with a lead core (15) and the core being wrapped with aluminum (10 dipped in a solution containing a metallic powder preferably aluminum).

### ***Claim Rejections - 35 USC § 103***

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.



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20. Claims 6-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swannington 3,898,758 in view of Schnitzer 2,763,087.

Swannington does not disclose the mouth having 36 teeth, 20 being in the top portion and 16 being in the bottom portion. Schnitzer discloses two rows of teeth on top and bottom portions (42, 44) of a mouth (38, 40). It would have been obvious to a person of ordinary skill in the art to modify the body of Swannington such that it has a mouth with top and bottom teeth in view of Schnitzer in order to simulate a predatory fish and provide additional realism to the lure body. Swannington and Schnitzer do not disclose 36 teeth, 20 being in the top portion and 16 being in the bottom portion. It would have been an obvious matter of design choice to employ 36 teeth, 20 being in the top portion and 16 being in the bottom portion, since applicant has not disclosed that by doing so produces any unexpected result or is critical to the design and because a person of ordinary skill in the art would readily provide a sufficient number of teeth for the teeth simulation to be realistic.

In regard to claim 10, Swannington discloses a tail (15) made of stainless steel.

In regard to claims 11-13, Swannington discloses a tail (15) with a hole (38) in the top corner and being close to the edges of the tail, but does not disclose the tail back edge being 10.3 cm, the tail protruding 7.2 cm from a top rear portion of the body and 9 cm from a bottom-rear portion of the body, or the tail top corner hole being 3/8" between .4 cm and .5 cm from the edges of the tail. It would have been an obvious matter of design choice to modify the tail of Swannington such that the tail back edge being 10.3 cm, the tail protruding 7.2 cm from a top rear portion of the body and 9 cm

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from a bottom-rear portion of the body, and the tail top corner hole being 3/8" between .4 cm and .5 cm from the edges of the tail since applicant has not disclosed that by doing so produces any unexpected results or is critical to the design and because a person of ordinary skill in the art would readily design the tail with a size and dimensions that are sufficient to meet the requirements desired by the user.

In regard to claim 14, Swannington discloses the body (12) weighing 12 pounds.

21. Claims 19, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swannington 3,898,758 in view of Smith 4,255,890.

Swannington discloses the core being silver but that the core (12) may also be painted and that a bar of aluminum might be placed in the mold before the lead is poured so as to displace some of the lead with the less dense, lighter aluminum, but does not disclose the core wrapped in aluminum. Smith discloses a core (36) wrapped in chrome-plated brass or stainless steel or other salt water-resistant material for producing a shiny metallic body. It would have been obvious to a person of ordinary skill in the art to modify the core of Swannington such that it is wrapped in a shiny aluminum in view of Smith in order to provide a body which is shiny and tends to attract fish.

22. Claims 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swannington 3,898,758.

Swannington discloses the body being approximately 16 inches long and a maximum height of approximately 6 inches, and maximum width of approximately 2 1/4 inches and a stainless steel tail (15), but does not disclose the lead core measuring

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22.75 cm x 8.75 cm x 4.5 cm or the entire body measuring 26.4 cm x 10 cm x 4.5 cm or the tail protruding 9.2 cm from a top-rear portion of the body and 9 cm from a bottom-rear portion of the body. It would have been an obvious matter of design choice to modify the lead core such that it is 22.75 cm x 8.75 cm x 4.5 cm and the entire body measures 26.4 cm x 10 cm x 4.5 cm and the tail which protrudes 9.2 cm from a top-rear portion of the body and 9 cm from bottom-rear portion of the body, since applicant has not disclosed that by doing so produces any unexpected results or is critical to the design and because a person of ordinary skill in the art would readily design the lead core and entire body with a size that is sufficient to meet the requirements desired by the user.

23. Claims 21, 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith 4,255,890.

In regard to claim 21, Smith discloses a cylindrical lead core, but does not disclose a rectangular lead core. It would have been an obvious matter of design choice to make the lead core such that it is rectangular shaped, since applicant has not disclosed that by doing so produces any unexpected results or is critical to the design and because a person of ordinary skill in the art would readily design the lead core with a shape that will meet the requirements desired by the user.

In regard to claim 23, Smith discloses the lead core (36) wrapped with a hollow tube (34) which is chrome-plated brass, stainless steel, or other salt-water resistant metal, but does not disclose the core wrapped with aluminum. It would have been obvious to one having ordinary skill in the art at the time the invention was made to

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modify the tube of Smith such that it is made of aluminum, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice, since aluminum can also provide a shiny metallic body to resemble a fish. *In re Leshin*, 125 USPQ 416.

In regard to claims 24-26, Smith discloses a body about 20.3 cm long and a diameter of about 3.8 cm and a tail (44) protruding from a top-rear portion of the body a longer distance than from a bottom-rear portion of the body (see Fig. 3), but does not disclose the lead core measuring 22.75 cm x 8.75 cm x 4.5 cm or the entire body measuring 26.4 cm x 10 cm x 4.5 cm or the tail protruding 9.2 cm from a top-rear portion of the body and 9 cm from a bottom-rear portion of the body. It would have been an obvious matter of design choice to modify the lead core such that it is 22.75 cm x 8.75 cm x 4.5 cm and the entire body measures 26.4 cm x 10 cm x 4.5 cm and the tail which protrudes 9.2 cm from a top-rear portion of the body and 9 cm from bottom-rear portion of the body, since applicant has not disclosed that by doing so produces any unexpected results or is critical to the design and because a person of ordinary skill in the art would readily design the lead core and entire body with a size that is sufficient to meet the requirements desired by the user.

Also in regard to claim 25, Smith discloses a metallic tail (44), but does not disclose the tail being made of steel. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the tail out of steel, since it has been held to be within the general skill of a worker in the art to select a known

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material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

24. Claims 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angwin 6,640,487 in view of Hopkins 2,480,580.

Angwin discloses the body does not disclose the body with an outer surface which is faceted. Hopkins discloses a body (5) with an outer surface which is faceted (small indentations 11). It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the outer surface of the body of Angwin such that it has an outer surface which is faceted in view of Hopkins in order to provide numerous facets for reflection of light and thus produce the appearance of fish scales so as to be very attractive to fish.

In regard to claim 6, Angwin discloses that the body (30') is physically configured to resemble a fish (which physically has a mouth toward the tapered front end) or other marine life.

25. Claims 6-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angwin 6,640,487 in view of Hopkins 2,480,580 as applied to claim 5 above, and further in view of Schnitzer 2,763,087.

Angwin and Hopkins do not disclose the mouth having 36 teeth, 20 being in the top portion and 16 being in the bottom portion. Schnitzer discloses two rows of teeth on top and bottom portions (42, 44) of a mouth (38, 40). It would have been obvious to a person of ordinary skill in the art to modify the body of Angwin and Hopkins such that it has a mouth with top and bottom teeth in view of Schnitzer in order to simulate a

predatory fish and provide additional realism to the lure body. Angwin, Hopkins, and Schnitzer do not disclose 36 teeth, 20 being in the top portion and 16 being in the bottom portion. It would have been an obvious matter of design choice to employ 36 teeth, 20 being in the top portion and 16 being in the bottom portion, since applicant has not disclosed that by doing so produces any unexpected result or is critical to the design and because a person of ordinary skill in the art would readily provide a sufficient number of teeth for the teeth simulation to be realistic.

In regard to claims 11 and 12, Swannington discloses a tail (15) with a hole (38) in the top corner and being close to the edges of the tail, but does not disclose the tail back edge being 10.3 cm or the tail protruding 7.2 cm from a top rear portion of the body and 9 cm from a bottom-rear portion of the body. It would have been an obvious matter of design choice to modify the tail of Swannington such that the tail back edge being 10.3 cm and the tail protruding 7.2 cm from a top rear portion of the body and 9 cm from a bottom-rear portion of the body, since applicant has not disclosed that by doing so produces any unexpected results or is critical to the design and because a person of ordinary skill in the art would readily design the tail with a size and dimensions that are sufficient to meet the requirements desired by the user.

26. Claims 10, 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angwin 6,640,487 in view of Hopkins 2,480,580 and Schnitzer 2,763,087 as applied to claims 9 and 12 above, and further in view of Swannington 3,898,758.

Angwin discloses the tail with a hole (52), but does not disclose the tail being made of stainless steel or the tail having a 3/8" hole in the top corner which is between

0.4 cm and 0.5 cm from the edges of the tail. Swannington discloses a tail (15) made of stainless steel with a hole in a top corner thereof. It would have been obvious to a person of ordinary skill in the art to make the tail out of stainless steel and with a hole in a top corner thereof in view of Swannington in order to provide a tail out of a different material than the body for purposes of weight distribution and to make the downrigger line fastening hole integral with a tail to reduce the number of separate parts. Angwin and Swannington do not disclose the hole being 3/8" and between 0.4 cm and 0.5 cm from the edges of the tail. It would have been an obvious matter of design choice to modify the tail of Swannington such that the tail top corner hole being 3/8" between .4 cm and .5 cm from the edges of the tail since applicant has not disclosed that by doing so produces any unexpected results or is critical to the design and because a person of ordinary skill in the art would readily design the tail with a size and dimensions that are sufficient to meet the requirements desired by the user.

In regard to claim 14, Angwin discloses the body weighing 8-10 pounds.

27. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Angwin 6,640,487 in view of Hopkins 2,480,580, Schnitzer 2,763,087, and Swannington 3,898,758 as applied to claims 9 and 12 above, and further in view of Smith 4,255,890.

Angwin discloses the body (30) may be painted or coated for purposes of physical appearance or material protection, but does not disclose the core wrapped in aluminum. Smith discloses a core (36) wrapped in chrome-plated brass or stainless steel or other salt water-resistant material for producing a shiny metallic body. It would have been obvious to a person of ordinary skill in the art to modify the core of Angwin

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such that it is wrapped in a shiny aluminum in view of Smith in order to provide a body which is shiny and tends to attract fish.

28. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Angwin 6,640,487 in view of Smith 4,255,890.

Angwin discloses the body (30) may be painted or coated for purposes of physical appearance or material protection, but does not disclose the core wrapped in aluminum. Smith discloses a core (36) wrapped in chrome-plated brass or stainless steel or other salt water-resistant material for producing a shiny metallic body. It would have been obvious to a person of ordinary skill in the art to modify the core of Angwin such that it is wrapped in a shiny aluminum in view of Smith in order to provide a body which is shiny and tends to attract fish.

29. Claims 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angwin 6,640,487.

Angwin does not disclose the lead core measuring 22.75 cm x 8.75 cm x 4.5 cm or the entire body measuring 26.4 cm x 10 cm x 4.5 cm or the tail protruding 9.2 cm from a top-rear portion of the body and 9 cm from a bottom-rear portion of the body. It would have been an obvious matter of design choice to modify the lead core such that it is 22.75 cm x 8.75 cm x 4.5 cm and the entire body measures 26.4 cm x 10 cm x 4.5 cm and the tail which protrudes 9.2 cm from a top-rear portion of the body and 9 cm from bottom-rear portion of the body, since applicant has not disclosed that by doing so produces any unexpected results or is critical to the design and because a person of



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ordinary skill in the art would readily design the lead core and entire body with a size that is sufficient to meet the requirements desired by the user.

30. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Potter 5,539,989.

Potter does not disclose the lead core measuring 22.75 cm x 8.75 cm x 4.5 cm. It would have been an obvious matter of design choice to make the lead core such that it is 22.75 cm x 8.75 cm x 4.5 cm, since applicant has not disclosed that by doing so produces any unexpected results or is critical to the design and because a person of ordinary skill in the art would readily design the lead core with a size that is sufficient to meet the requirements desired by the user.

31. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Buckle et al. 4,713,917.

Buckle et al. does not disclose the lead core measuring 22.75 cm x 8.75 cm x 4.5 cm. It would have been an obvious matter of design choice to make the lead core such that it is 22.75 cm x 8.75 cm x 4.5 cm, since applicant has not disclosed that by doing so produces any unexpected results or is critical to the design and because a person of ordinary skill in the art would readily design the lead core with a size that is sufficient to meet the requirements desired by the user.

32. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moses 2,155,169.

Moses does not disclose the lead core measuring 22.75 cm x 8.75 cm x 4.5 cm. It would have been an obvious matter of design choice to make the lead core such that


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it is 22.75 cm x 8.75 cm x 4.5 cm, since applicant has not disclosed that by doing so produces any unexpected results or is critical to the design and because a person of ordinary skill in the art would readily design the lead core with a size that is sufficient to meet the requirements desired by the user.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darren W. Ark whose telephone number is (571) 272-6885. The examiner can normally be reached on M-Th, 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Darren W. Ark  
Primary Examiner  
Art Unit 3643

DWA